

**Statement of**  
**J. Peyton Knight**

**Executive Director of the American Policy Center**

**and**

**Washington D.C. Representative for the American Land Rights Association**

**Concerning**

**Oversight of our National Park System**

Read before the

Subcommittee on Criminal Justice, Drug Policy, and Human Resources

of the

United States House of Representatives Committee on Government Reform

**April 22, 2005**

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today. My name is Peyton Knight. I am executive director of the American Policy Center in Warrenton, Virginia. The Center is a nonprofit grassroots organization dedicated to advancing the principles of private property rights, free markets, and limited government. In addition, I am the Washington, D.C. representative for the American Land Rights Association (ALRA). ALRA promotes the protection of property rights, public access to federal lands, and the wise use of our nation's resources.

America's park system is in trouble. Our nation's 388 national parks, historic sites, battlefields, landmarks, lakeshores, recreation areas, scenic rivers and trails have an estimated collective maintenance backlog of between \$4.1 and \$6.8 billion. That's almost \$18 million per entity. Yet as this crisis continues to snowball, Congress has not done enough to strike at the heart of the problem.

Will our national parks survive for future generations? The answer is simply "no", unless Congress acts responsibly and reins in the ravenous appetite of the National Park Service (NPS) and federal land acquisition programs. The federal government currently owns almost one-third of America's total land mass. NPS is assigned to caring for much of this property. It clearly can't handle its current responsibility. How on Earth does it make sense to give it more?

In order to solve this crisis, Congress must make a sincere commitment to curb all future NPS programming and acquisitions, and scale back expansion plans already in the pipeline that will only add more fuel to the backlog fire. You can't simply pledge more funding at one end, and continue with out-of-control expansion at the other end. This only exacerbates the problem.

In the private sector, businesses must consider expansion carefully, lest they find their resources overdrawn and succumb to implosion and bankruptcy. In the world of the federal government, agencies such as the National Park Service seek an infinite expansion of their fiefdom, and all too often Congress rubberstamps these requests with little regard for practicalities such as available resources or funding. This reckless expansion threatens the future of our nation's national park system and undermines the ability of the agency to meet its commitments to future generations.

According to the National Parks Conservation Association, public safety and public access rank high among the casualties of our overdrawn Park Service. Yosemite National Park in California desperately needs everything from trail and campground maintenance to a new sewer system and electrical upgrades. Yellowstone National Park has decrepit buildings and over 150 miles of roads that need repair. In Mount Rainier National Park in Washington, travel to backcountry cabins is impossible because of neglected bridges and trails. The foundation of the visitor center at the USS Arizona Memorial in Hawaii is crumbling and literally sinking into the ground. Ancient stone structures are collapsing at Chaco Culture National Historical Park in New Mexico. In Gettysburg National Military Park, many historic structures need rehabilitation and a failing water line needs to be repaired.

When public access to parks isn't taking a backseat to scarce resources, the Park Service is actually *spending* money to shut people out. The Park Service's "Yosemite Valley Plan" would

cost close to a half-billion dollars and would actually reduce the number of parking spaces in Yosemite Valley by two-thirds. Instead of being able to leisurely enjoy the sights and wonders of Yosemite, this grand plan calls for park patrons to be herded onto a fleet of buses and shuffled through the park on the Park Service's schedule. Under the plan, hundreds of campsites that were destroyed in a 1997 flood would not be replaced, and nearly 60 percent of the Park's remaining campsites accessible by car would be removed.

The National Park Service is quickly earning the moniker of our nation's slumlord and Congress' response should not be to reward NPS with more property and more programming. Rather, Congress should seek to scale back the Park Service's duties until a manageable level is attained. The National Park Service is already slated to receive 2.2 billion dollars in the next fiscal year. That is almost one billion dollars more than it received just ten years ago. The real answer to the Park Service's maintenance woes is fewer holdings and programs. Unfortunately, Congress seems determined to ignore this solution and drive the Park Service and our national treasures into further disrepair.

For example, the House and Senate are moving this year to create a National Heritage Areas (NHAs) program (S. 243 and H.R. 760). Funding and technical assistance for NHAs is administered through the National Park Service. Indeed, Heritage Areas are permanent units of NPS, and therefore, lifelong drains on already scarce resources. Even more importantly, Heritage Areas are federal land use mandates foisted upon local communities. Quite simply: Heritage Areas have boundaries, and those boundaries have consequences for property owners unfortunate enough to reside within them.

National Heritage Areas are being sold to Congress under false pretenses. Proponents claim that these areas are simply temporary funding grants—seed money that is scheduled to sunset once the Area becomes self-sufficient. Predictably, this has not happened with current Heritage Areas. These pork barrel land use schemes are forever dependent on federal funding because they lack local interest. There are only three entities interested in Heritage Areas: local preservation groups; state and local bureaucrats; and the Park Service. And all three of these entities are interested for just two reasons: money and power.

Ten years ago, the late Representative Gerald Solomon (R-NY) strongly warned that Heritage Areas are targets for increased land use control by the Park Service, as well as funding drains on the agency. Solomon's September 19, 1994, letter he wrote to his colleagues shows that the Park Service's maintenance crisis did not sneak up on anyone:

I urge you to defend property rights and strongly oppose the American Heritage Area Participation Program ... The environmentalists advocating this bill have FEDERAL LAND USE CONTROL as their primary objective.

The bill wastes tax dollars that could be more appropriately spent on maintaining our national parks ... Property rights defenders have legitimate concerns about the provision in the bill requiring localities to obtain approval by the Secretary of Interior for land use plans...

## WHY SPEND \$35 MILLION ON NON-FEDERAL HERITAGE AREAS WHEN OUR NATIONAL PARKS DESPERATELY NEED FUNDS FOR MAINTENANCE AND REPAIR?

Again, I ask you to defend property rights and oppose this bill.

*(The emphasis is Rep. Solomon's—not mine.)*

Representative Solomon would be appalled to learn that Congress is pushing harder than ever for a National Heritage Areas program when Park Service's problems have only increased exponentially since he penned his letter.

When the federal government acquires property it compounds the current crisis in two ways. Of course, it adds more property and burden to the maintenance backlog. But it also removes private property from the tax rolls, thereby reducing funds that could help address the crisis.

In spite of this, a provision currently sitting in the Senate budget resolution would earmark \$350 million, guaranteed, every year for the next three years for the Land and Water Conservation Fund. That's over one billion dollars, not subject to annual appropriations, for federal and state governments to buy up more private property. Fortunately, the House budget resolution includes no such nonsense, but Representatives must make certain that the final conference report is free of this land grab boondoggle.

The future of the National Park Service also depends on how the agency is viewed by the public. Unfortunately, NPS has shown itself to be a bad neighbor with a history of hostility toward land owners and local communities.

Through programs like the National Natural Landmarks Program, NPS has run roughshod over many private property owners. Though advertised as voluntary, benign designations to inform landowners of the natural features of their property (as if they weren't already aware) the program is in fact a feeder system for future NPS holdings and regulatory crackdowns. One day the Park Service knocks on your door and hands you a bronze plaque honoring your property. The next day you find your property ensnared in a quagmire of planned, progressively stronger land use prohibitions, and sometimes outright acquisition.

In a great number of instances, the Park Service was found to be trespassing and snooping around private property—evaluating it for landmark designation without ever notifying the landowner. The most prevalent abuse occurred in Maine, where the Park Service routinely ignored its own notification rules and refused to inform landowners of pending designations. NPS claims that property owners love the Landmarks program and are eager to join. If this is true, why the deliberate secrecy? And why do so many property owners fear a Landmark designation?

In fact, the Park Service was working in collaboration with environmental organizations and land trusts, targeting private property for future Landmarks. Syndicated columnist and author Alston Chase documented several examples of Park Service misdeeds under the program. Jim

Shelly, a New Mexico rancher, didn't learn that his property was being considered for a Landmark designation until a friend noticed the nomination notification in the Federal Register. The Nature Conservancy had evaluated Mr. Shelly's land for the Park Service without his knowledge.

Lucy Wheeler of Vermont became suspicious when she noticed mysterious survey markers on her land. NPS officials were in fact sneaking around her property and neglected to inform Ms. Wheeler because, as they reported, the subject was "already sensitive."

Because of this controversy, a moratorium was placed on new Landmark designations in 1989. However, that moratorium was lifted ten years later. It is far past time for the Park Service to locate and notify victims of the Landmarks debacle, and seek their written permission for inclusion in the program. If the Park Service is not willing to reconcile its misdeeds, then the National Natural Landmarks program ought to be abolished.

In summary, if the Park Service is to survive for future generations the agency's holdings and programming simply must be scaled back. Congress should direct the Department of Interior to take a careful inventory of its current holdings, and determine which of these properties would best be turned over to states or sold to private interests. Undoubtedly, there are many national parks and recreation areas that have no business on the federal dole. Some examples would be the Santa Monica Mountains National Recreation Area (NRA) in California or the Gateway NRA in New York. These properties might make good city or state parks, but American taxpayers nationwide should not be forced to carry this burden. Despite this, Congress is considering a massive addition to the Santa Monica Mountains NRA called the "Rim of the Valley." The estimated cost of this addition is \$2 billion. When the Santa Monica NRA was originally created, it was only supposed to cost \$155 million. The price tag is now over one billion with another \$2 billion in the pipeline. This sort of mission creep and reckless expansion has got to stop.

Congress should also make certain that the federal government does not swallow any more of our nation's land mass. The "No Net Loss of Private Land Act" (S. 591) would help in this regard. As the bill's sponsor, Senator Craig Thomas, notes:

It's time for Congress to protect the rights of private property owners and instill some common sense into federal land acquisitions -- No-Net-Loss of Private Lands will provide that discipline.

The federal government has not always been a good neighbor to the people of the West. Federal land management agencies continue to lock up public lands throughout the West and restrict access to areas for multiple-use purposes. This creates great hardship for local communities, destroying jobs and depressing the economy in many areas around the West.

Thank you again, Mr. Chairman, for inviting me to testify on this very important issue. The time is now for Congress to assert real authority and inject discipline into federal land

management agencies. Only this can save our national parks and treasures. I would be happy to answer any questions that you, or other members of the subcommittee, may have.

**Attachments:**

1. Congressional Testimony of American Land Rights Association Executive Director Chuck Cushman concerning the Conservation and Reinvestment Act; June 20, 2001.
2. "National Park Service Entangled in 'Greengate'" by Alston Chase; March 5, 1990.
3. Senate Testimony of American Policy Center Executive Director J. Peyton Knight concerning National Heritage Areas; March 15, 2005.
4. "No to the Yosemite Plan: Don't Restrict Public's Access to National Parks" by Bonner Cohen; June 2003.